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THE SITUATION OF HUMAN RIGHTS IN ESTONIA AND LATVIA

Letter dated 9 February 1993 from the Permanent Representatives of Estonia and Latvia to the United Nations addressed to the Secretary-General

We have the honour to bring the following matter to your attention.

When President Boris Yeltsin informed the United Nations by a letter dated 24 December 1991 that "the membership of the Union of Soviet Socialist Republics in the United Nations, including the Security Council and all other organs and organizations of the United Nations system, is being continued by the Russian Federation", we hoped that the declared assumption of these prerogatives was also accompanied by the recognition of the responsibilities that accompany such high offices in our organization. Unfortunately, this does not seem to be the case.

We refer to the recent request by the Russian Federation to distribute, as an official document at the forty-ninth session of the Commission on Human Rights (E/CN.4/1993/75 of 7 January 1993), a letter dated 28 October 1992 from the Permanent Representative of the Russian Federation to the United Nations Office at Geneva addressed to the Under-Secretary-General for Human Rights which transmits the text of the Government of the Russian Federation, dated 22 October 1992, "regarding human rights violations in the Estonian Republic". This document is the text which was previously distributed as Press Release No. 46 by the Permanent Mission of the Russian Federation to the United Nations on 26 October 1992.

We also refer to the draft resolution dated 4 February 1993 entitled, "Situation of human rights in Estonia and Latvia", which is currently being circulated by the delegation of the Russian Federation at the forty-ninth session of the Commission on Human Rights at Geneva for inclusion under item 20 of the provisional agenda, entitled "Rights of persons belonging to national, ethnic, religious and linguistic minorities".

Both of these documents circulate and repeat the Russian Federation's undocumented charges of previously alleged "human rights violations and denials of fundamental freedoms" by our two countries. We believe that the timing and character of this continuing campaign of assertions and allegations by the Russian Federation within the various organs of the United Nations seriously erodes and undermines the present ongoing effort within the United Nations system by United Nations and Conference on Security and Cooperation in Europe (CSCE) fact-finding commissions of human rights experts to determine the validity of the charges. We believe this activity contravenes the spirit, if not the letter, of the effort set forth in the General Assembly's consensus resolution on this matter.

The Governments of Estonia and Latvia invited such fact-finding commissions to report on this matter as expeditiously as possible so that it could be resolved. The United Nations fact-finding commission, which was invited to Latvia on 26 September 1992, has already presented the report of its visit from 27 to 30 October 1992 to you. A summary of it was released by your office on 27 November 1992. The CSCE mission of experts, which was invited to Estonia on 28 September 1992, concluded its visit from 2 to 5 December 1992 and is in the process of issuing its findings. This week, the United Nations team of human rights experts is in Estonia at the invitation of the Government on 27 November 1992 and we await their findings.

Unfortunately, our trust and good faith in the process of United Nations fact-finding, which our Governments initiated and which the rest of the General Assembly concurred in by consensus in General Assembly resolution 47/115, has now been violated by the Russian Federation's apparent unwillingness (despite their own acquiescence) to let the process work according to the terms agreed upon by all Member States in the General Assembly resolution.

We did not object when the Russian Federation requested the inclusion of an additional item in the agenda of the recently concluded forty-seventh session of the General Assembly (A/47/247). However, we did strenuously disagree with and object to the Russian Federation's characterization of the question by a highly prejudicial and inflammatory description of the agenda item. None the less, we worked within the system with the General Committee and the Russian Federation to place the item under the title, "The situation of human rights in Estonia and Latvia" for consideration in the Third Committee and the General Assembly. Indeed, we looked forward to discussion and debate on the subject in those, and only those, forums, as agreed upon by all parties concerned.

However, instead of the expected discussion and debate on the issue within the Third Committee or the General Assembly itself, the Russian Federation simply proposed that we join in their draft of a resolution which requested "the Commission on Human Rights to consider at its forty-ninth session all available information on the human rights situation in Estonia and Latvia, including the reports of the United Nations fact-finding missions to these countries".

After intensive negotiations, we were able to reach agreement at the 53rd meeting of the Third Committee, on 2 December 1992. The Chairman's draft resolution (A/C.3/47/L.52) entitled "The situation of human rights in Estonia and Latvia" was understood by all to be a negotiated settlement of the question. The Third Committee adopted the Chairman's resolution without a vote, recommending to the General Assembly that it be adopted by consensus (see A/47/773). The General Assembly did so on 16 December 1992 (resolution 47/115).

At the heart of this consensus document was the clear understanding and agreement by all parties to the negotiations that the United Nations fact-finding process would be allowed to work to its mandated conclusion without interference and that its results would be reported by the Secretary-General to the General Assembly at its forty-eighth session.

Unfortunately, the current efforts of the delegation of the Russian Federation to place this matter on the agenda of the Commission on Human Rights at Geneva, less than two months after their agreement to the ongoing process which was stipulated in General Assembly resolution 47/115, raises doubts about the Russian Federation's good will and understanding of the need for "preventive diplomacy" on this question.

We bring this matter of concern to your attention and ask that this letter be circulated to Member States for their consideration and information as a document of the General Assembly under the item entitled "The situation of human rights in Estonia and Latvia".

(Signed) Ernst JAAKSON
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